

FILED
U.S. DISTRICT COURT
SAVANNAH, GA.

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA 2013 JAN 28 PM 4:47
WAYCROSS DIVISION

WILLIAM KENNETH CAPPS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CLERK
SO. DIST. OF GA.


CASE NO. CV512-078

O R D E R

Before the Court is Petitioner's "Motion for Order."
(Doc. 18.) No objections were timely filed to the
Magistrate Judge's Report and Recommendation. (Doc. 8.)
After a de novo review, this Court then adopted the report
and recommendation and entered judgment dismissing the
§ 2255 petition. (Doc. 11.) Petitioner timely filed his
notice of appeal. (Doc. 13.) Petitioner then filed what
was originally docketed as objections to the report and
recommendation. (Doc. 18.) However, the Eleventh Circuit
has since construed this filing as a motion for
reconsideration or relief under Federal Rule of Appellate
Procedure 4. If construed as a request for relief under
Federal Rule of Appellate Procedure 4, Petitioner's motion
must be **DISMISSED AS MOOT** because he timely filed an appeal
to the judgment and no extension of time is necessary.

Alternatively, any purported objections raised by Petitioner in his "Motion for Order [where] Petitioner is Making Objections to the [Report and Recommendation]" are similarly without merit. The Court can find no reason to disturb its prior order. Accordingly, Petitioner's motion (Doc. 18) is **DENIED**.

SO ORDERED this 28th day of January 2013.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA